

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-675-C - ORDER NO. 94-346 *✓c*
APRIL 15, 1994

IN RE: Petition to Transfer Certificate) ORDER APPROVING
 from Fiberline Network) PETITION FOR
 Communications to LECNet, Inc.) TRANSFER OF AUTHORITY

This matter is before the Public Service Commission of South Carolina (the Commission) by way of the October 26, 1993 Petition for Transfer of Certificate from Fiberline Network Communications, Limited Partnership (FNC) to LECNet, Inc. (LECNet).¹ The Petition was filed pursuant to S.C. Code Ann. §58-9-310 (Supp. 1993).

By letter dated November 24, 1993, the Executive Director of the Commission instructed FNC and LECNet to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The Notice of Filing apprised the public of FNC and LECNet's Petition and instructed interested parties of the manner in which to intervene. FNC and LECNet complied with this instruction. A Petition to Intervene was filed by Southern Bell Telephone and Telegraph Company (Southern Bell). Southern Bell's Petition to Intervene was later withdrawn.

After consideration of the Petition, the verified testimony, and the applicable law, the Commission makes the following findings of fact and conclusions of law:

1. LECNet and FNC may be referred to collectively as "Petitioners."

FINDINGS OF FACT

1. Elmer Smither, Jr., Vice President of LECNet, testified on behalf of FNC and LECNet. He explained the Petitioners' request to transfer FNC's Certificate of Public Convenience and Necessity issued in Order No. 90-209, Docket No. 89-449-C, to operate as a reseller of telecommunications service to LECNet. He also requested approval for LECNet to provide any additional intraLATA authority not granted to FNC and made available through the Commission's rulings in Docket Nos. 92-182-C, 92-183-C, and 92-200-C.

2. Mr. Smither testified that LECNet was incorporated in the State of Mississippi and is qualified to do business in South Carolina.

3. Mr. Smither explained that LECNet proposes to offer on a resale basis switched intrastate, interLATA direct-dialed services, including one-plus (1+) service, WATS, flat rate service, and WATS 800 inbound service. He testified that LECNet also proposes to provide operator assisted services. Mr. Smither testified LECNet proposes to provide operator busy line verification, operator interruption services, and advanced coin control functions to payphones. Mr. Smither explained that, to his knowledge, AT&T is the only interexchange carrier providing these operator services in South Carolina today.

4. Mr. Smither testified LECNet will only utilize the services of underlying carriers properly certified by this Commission. He further stated that LECNet will comply with the Commission's rules and regulations regarding the provision of

interexchange carrier and operator services in South Carolina.

5. Mr. Smither testified that LECNet is financially qualified to offer the proposed services. The Petition states that LECNet holds Certificates of Public Convenience and Necessity in seven (7) other states.

CONCLUSIONS OF LAW

1. The Commission concludes that the Petition to Transfer the Certificate of Public Convenience and Necessity held by FCN to LECNet should be and is hereby granted, except to the extent modified by this Order.

2. In regard to its adjustment of rates, LECNet shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. LECNet shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of LECNet's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Law Co-op. 1976), as amended.

3. LECNet shall file its tariff and an accompanying price

list within thirty (30) days of the date of this Order. Further, the tariff shall be filed in a loose-leaf binder.

4. With regard to LECNet's resale of service, an end user should be able to access another interexchange carrier or operator service provider, if they so desire.

5. LECNet shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

6. With respect to the provision of operator services to hospitality locations and private pay telephones, LECNet shall not charge rates any greater than AT&T's intrastate interLATA rates at the time the call is completed.

7. LECNet is required to provide "tent" cards to hotels and motels for placement of guest telephones and stickers to customer-owned pay telephones identifying LECNet as the provider of operator services for intrastate interLATA calls. LECNet is required to brand all operator calls identifying itself as the carrier of such calls. The information pieces shall be consistent with the format approved by the Commission in Order No. 93-811 issued in Docket No. 92-557-C.

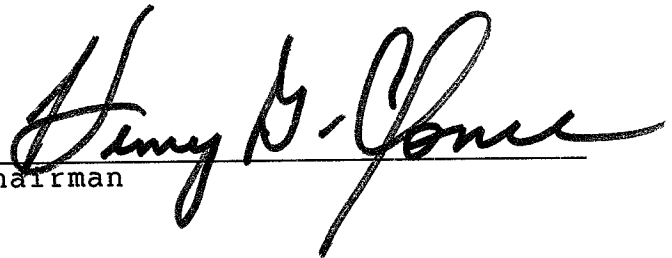
8. LECNet shall be allowed to incorporate in its tariff a subscriber surcharge to be applied to operator-assisted and calling card calls originating from hotels, motels, and pay telephones only if the property owner or pay telephone provider has not already added any other surcharge. That is, LECNet may not impose an additional surcharge to calls originating from hotels, motels, or pay telephones if such surcharge is already imposed by the property

owner. The amount of such subscriber surcharge shall not exceed \$1.00. This subscriber surcharge shall be returned in its entirety to the property owner. Further, if the surcharge is applied on behalf of a property owner, the end user shall be notified of the application of the surcharge. This notification shall be included in the information pieces as previously required by this Order.

9. For the provision of the operator services, LECNet shall comply with the Operator Service Provider (OSP) Guidelines approved in Commission Order No. 93-534 issued under Docket No. 93-026-C.

10. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)